

DO's & Don'ts

WHAT STATE AND LOCAL PRACTITIONERS SHOULD KNOW ABOUT COMMUNICATING WITH ELECTED OFFICIALS

Statement from CNS Chief Executive Officer Harris Wofford

To All CNS Programs & Grantees regarding Lobbying or Advocacy Activities

Since its inception, the Corporation for National Service has strictly prohibited programs or participants from using Corporation funds to lobby Congress or to engage in other partisan political activities or advocacy activities. As you know, individuals who are serving in programs funded by the Corporation are prohibited from engaging in lobbying activities or partisan political activities, in the course of their duties, at the request of program staff, or in a manner that would associate their activities with their programs or with the Corporation.

Examples of unlawful political activity include, but are not limited to, the following: organizing a letter writing campaign to Congress; printing politically charged articles in a Corporation-funded newsletter; taking part in political demonstrations or rallies; and other advocacy activities related to protests, petitions, boycotts, or strikes. The Bill of Rights guarantees the freedom of speech to all Americans including the right to contact members of Congress. Individuals serving in Corporation-funded programs may of course, exercise their First Amendments rights, but should do so on their own time, at their own expense, and at their own initiative. Restrictions with respect to this subject are contained in the Corporation's statute, its regulations, and the terms and conditions of its grants. Any program found to be in violation of this policy risks suspension and termination of Corporation funding. If you have any questions concerning this issue, please do not hesitate to contact [the Corporation for National Service] General Counsel.

(Original memo dated January 29, 1996)

Actions that are not Lobbying

(For Private Foundations and Electing Charities)

1. Direct communications with legislators or their staff about a general issue of concern where there is either: (a) no reference to specific legislation or (b) no view expressed on such legislation.
2. Most grassroots communications to the public about a general issue of concern

where there is either: (a) no reference to specific legislation, (b) no position taken on the legislation or (c) no call to action.

3. Communications with executive officials (i.e., president, governors, mayors) or their staff about a general concern where there is either: (a) no reference to specific legislation, (b) no position taken on the legislation or (c) the official or staff person will not participate in forming the legislation.

4. Actions to affect regulations or other acts implementing existing laws that are performed by administrative bodies.

5. Class action lawsuits or similar public interest litigation in attempts to influence judicial bodies.

6. Self-defense lobbying activities directed at legislators or their staff (but not to the general public) on matters that might affect the organization's existence, powers, duties, exempt status, etc.

7. Responding to written request from a legislative body (not a single legislator) for technical assistance on pending legislation.

8. Making available the results of nonpartisan analysis, study or research on a legislative issue.

9. Discussion of broad social, economic and similar policy issues requiring legislative solution so long as the discussion does not address the merits of specific legislation.

10. Communications to members of an electing public charity (not applicable to members of a private foundation) that discuss specific legislation but do not urge action by the members.

11. Private lobbying activity taken by foundation managers on their own time and at their own expense.

(Reprinted from Foundations and Lobbying: Safe Ways to Affect Public Policy, Council on Foundations)